

REMARKS

Claims 1-11, 26-29, 32-35, 39-42, 46-49, and 53-56 are pending in the current application. Claims 1, 26, 27, 28 and 29 are the independent claims. Claims 1-11, 26-29, 35, 42, 49 and 56 are amended. Claims 12-25, 30-31, 36-38, 43-45, 50-52 and 57 were previously cancelled. Reconsideration and allowance of the present application is respectfully requested.

Applicant appreciates the Examiner's acknowledgement and consideration of the drawings filed January 20, 2004.

Rejections under 35 U.S.C. §101

Claims 1-11 stand rejected under 35 USC §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Examiner asserts that these claims are directed toward non-statutory subject matter, as the claims are not limited to a non-transitory medium. Applicant amends claims 1-11, to limit these claims to a "non-transitory recording medium." Applicant therefore believes that these claims are directed toward statutory subject matter for purposes of 35 USC §101. Therefore, Applicant respectfully requests that the rejections of these claims under 35 U.S.C. §101 be withdrawn.

Rejections under 35 U.S.C. §103 -*Kato in view of Loui / Chan / Roth / Poggio*

Claims 1-22, 26-29, 32-35, 39-42, 46-49 and 53-56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0164152 ("Kato") in view U.S. Patent Application Publication No. 2006/0036960

("Loui") in view of U.S. Patent Application Publication No. 2004/0001704 ("Chan") in view of U.S. Patent Application Publication No. 2008/0166067 ("Roth"), and further in view of U.S. Patent No. 6,250,928 ("Poggio"). This rejection is respectfully traversed.

With regard to independent claim 1, the Examiner asserts that Kato teaches or suggests all of the claim limitations with the exception of the limitations that the Examiner asserts to be taught by Loui, Chan, Roth and Poggio, described herein.¹ The Examiner asserts that Loui teaches the first clip stream file not including audio data, and the still picture unit including at least one still picture and associated graphic data.² The Examiner asserts that Chan teaches a still picture and associated graphic data in the still picture unit configured to be reproduced synchronously.³ The Examiner asserts that Roth teaches displaying at least one still picture for a finite period of time, the still picture being configured to be displayed until user input is received if the duration information indicated the infinite period of time.⁴ The Examiner asserts that Poggio teaches the still picture unit configured to be reproduced asynchronously from the audio data.⁵

As an initial matter, Applicant asserts that a person of ordinary skill in the art would not be motivated to combine Loui, Chan, Roth and Poggio with Kato, as asserted by the Examiner. Neither Loui, Chan, Roth nor Poggio teach or suggest a data structure (that manages reproduction of still images and audio data, via playitems / sub-playitems). Therefore, Loui, Chan, Roth and Poggio are almost entirely inapplicable to Kato (which, does disclose a data structure) and claim 1. For at least this reason, a person of ordinary skill in the art would not be motivated to combine

¹ See pgs. 3-6 of the Office Action.

² See pg. 4 of the Office Action.

³ See pg. 5 of the Office Action.

⁴ See pg. 5-6 of the Office Action.

⁵ See pg. 6 of the Office Action.

any of Loui, Chan, Roth or Poggio with Kato. Therefore, Kato in view of Loui, Chan, Roth and Poggio does not teach or suggest all of the limitations of claim 1.

Applicant further asserts that Loui and Chan do not relate in any way to reproducing still pictures as a “slideshow” (as recited in claim 1), much less a data structure that reproduces a “slideshow.” For at least this additional reason, a person of ordinary skill in the art would not be motivated to combine Loui or Chan with Kato, Roth or Poggio.

The Examiner uses Loui to teach the first clip stream file not including audio data, the still picture unit including at least one still picture and associated graphic data.⁶ However, Loui merely discloses organizing visual digital objects into a histogram timeline (the timeline representing, for instance, when the visual object was first created), and is not related to a “slideshow,” as recited in claim 1. While Loui does indicate the use of “still pictures,” the use of still pictures is limited only to storage of digital pictures that may be taken and then stored in a viewable histogram (that may be ordered based on when the pictures were taken). This is not reproducing still pictures in a “slideshow” (as recited in claim 1). Furthermore, as argued above, Loui teaches nothing related to a data structure that manages reproduction of the still pictures (much less, a data structure reproducing the still pictures as a “slideshow,” as recited in claim 1). For at least these additional reasons, a person of ordinary skill in the art would not be motivated to combine Loui with either Kato, Roth or Poggio to make claim 1 obvious.

With regard to Chan, Chan also does not relate to reproducing still pictures as a “slideshow” (as recited in claim 1). The Examiner uses Chan to teach a still picture

⁶ See pg. 4 of the Office Action.

and associated graphic data in the still picture unit configured to be reproduced synchronously.⁷ However, Chan only teaches a method of converting input text into an audio-visual speech stream, resulting in a talking human face image enunciating the typed text. No portion of Chan relates to reproducing still pictures as a “slideshow” (as recited in claim 1), much less a data structure that reproduces the still pictures in a “slideshow.” And for at least this additional reason, a person of ordinary skill in the art would not be motivated to combine Chan with either Kato, Roth or Poggio to make claim 1 obvious.

Additionally with regard to claim 1, Kato in view of Loui, Chan, Roth and Poggio does not teach or suggest “the first clip stream file including presentation data, the presentation data being divided into at least one still picture unit... the still picture unit including the at least one still picture and associated graphic data,” as recited in claim 1. The Examiner cites paragraphs [0011] and [0041] of Loui in asserting that Loui teaches this limitation of claim 1.⁸ However, paragraph [0011] of Loui merely discloses “[t]hese digital objects can be digital still images, digital audio files, digital video segments, graphics files, or related multimedia data.” And paragraph [0041] of Loui teaches “these digital multimedia objects can be digital still images, such as those produced by digital cameras; audio data, such as digitized music or voice annotation files... [d]igital multimedia objects also include files produced by graphic software, for example the well-known Visio graphics software product...” Therefore, contrary to claim 1, Loui does not disclose a “still picture” and associated “graphic data” in the same, one file. Instead, the digital object of Loui includes several files such as graphic files and audio files, such that the graphic data of Loui is included in a separate

⁷ See pg. 5 of the Office Action.

⁸ See pg. 4 of the Office Action.

graphic file (by itself) that is not included in a file with the still picture data. Furthermore, Loui does not explicitly teach “the still picture unit including the at least one still picture and associated graphic data,” as recited in claim 1. Specifically, Loui does not teach a “unit” that includes the still picture and the graphic data for reproducing a slideshow, as recited in claim 1. For at least these reasons, Loui does not teach or suggest “the still picture unit including the at least one still picture and associated graphic data,” as recited in claim 1. Additionally, neither Kato, nor Chan, nor Roth, nor Poggio remedy this deficiency of Loui (nor does the Examiner use Kato, Chan, Roth or Poggio, for this purpose).

Applicant further asserts that Kato in view of Loui, Chan, Roth and Poggio does not teach or suggest “the still picture unit including the at least one still picture and associated graphic data” (the “still picture unit” being included in the recited “first clip stream file”), “the first clip stream file not including audio data,” and “the audio data being reproduced with the still picture unit,” as recited in claim 1. Loui fails to disclose any relationship among the still image, graphic data and audio data. Thus, Loui does not disclose whether or not the audio files are reproduced with the still image and graphic data. Contrarily, in claim 1, the graphic data and the audio data are reproduced with the still picture “slideshow” (whereas, only the graphic data is recorded with the still picture in the “still picture unit,” while the audio data is not included in the “still picture unit”; furthermore, in claim 1 the audio data is recorded in a separate file from the “still picture unit.” Because Loui does not teach any specific relationship between still images, graphic data and audio data, and because Loui certainly does not teach “audio data” recorded in a separate file from a “still picture unit” (including at least one “still picture” and associated “graphic data”), Loui

therefore does not teach or suggest “the still picture unit including the at least one still picture and associated graphic data” (as recited in claim 1), within the context of these other related limitations argued above. For these additional reasons, any combination of Loui with Kato, Chan, Roth and Poggio does not teach or suggest all of the limitations of claim 1.

Additionally with regard to claim 1, Kato in view of Loui, Chan, Roth and Poggio does not teach or suggest “the playitem indicating an in-point and an out-point of a first clip stream file, the first clip stream file including presentation data, the presentation data being divided into at least one still picture unit” and “the sub-playitem associated with the playitem and indicating an in-point and an out-point of a second clip stream file, the second clip stream file including audio data,” as recited in claim 1. The Examiner asserts that these limitations are taught or suggested by Kato.⁹ However, while Kato does disclose a playitem and a sub-playitem, Kato fails to teach a still picture unit, or audio data reproduced with the still picture unit. Additionally, Kato fails to disclose that the “still picture unit” is managed by the playitem, or that the “audio data” is managed by the sub-playitem. Furthermore, neither Loui, Chan, Roth nor Poggio disclose management of a “still picture unit” or “audio data” by a playitem or a sub-playitem. More specifically, neither Loui, Chan, Roth nor Poggio disclose a playitem, or sub-playitem. Therefore, any combination of Kato, Loui, Chan, Roth and Poggio does not teach or suggest “the playitem indicating an in-point and an out-point of a first clip stream file, the first clip stream file including presentation data, the presentation data being divided into at least one still picture unit” and “the sub-playitem associated with the playitem and indicating an in-

⁹ See pgs. 3-4 of the Office Action.

point and an out-point of a second clip stream file, the second clip stream file including audio data," as recited in claim 1.

Still further, Kato in view of Loui, Chan, Roth and Poggio does not teach or suggest "the playitem and the sub-playitem configured to reproduce the audio data with the still picture unit as the slideshow, the sub-playitem configured to reproduce the audio data without interrupting the playitem reproducing the still picture unit," as recited in claim 1. Instant example embodiments provide the audio data to be managed by the sub-playitem while the presentation data of the still picture unit is managed by the playitem, to allow the audio data to be independently reproduced from the still picture unit. This independent reproduction of the audio data and the still picture unit allows the audio data to be reproduced without interrupting reproduction of the still picture unit (which is being reproduced as the "slideshow," as recited in claim 1). Specifically, the audio data may be reproduced repeatedly (for example, it may be played, and then played over again) while reproduction of the still picture unit occurs, such that the audio data may continue to be reproduced even if reproduction of the still picture unit has finished. While the Examiner asserts that Poggio teaches this recited feature (i.e., the feature of the still picture unit being reproduced asynchronously from the audio data), ¹⁰ Applicant respectfully disagrees with this assessment, especially as it relates to the greater context of the claimed invention. As an initial matter, Applicant asserts that the visual display of Poggio does not correspond to the "still picture unit" of claim 1. Specifically, the video image of the Poggio does not teach a "still picture unit" including both a "still picture" and "graphic data," as recited in claim 1.

¹⁰ See pg. 6 of the Office Action.

Furthermore, col. 4, ll. 55-66 (cited by the Examiner) of Poggio only discloses storing video (visual recordings) and audio (sounds recordings) so that the video and audio may be retrieved in a “random access” manner. In other words, the video / audio of Poggio may be retrieved in a “synchronous” manner (such that the video / audio is one composite signal), or they may be retrieved in an “asynchronous” manner (such that the video and audio are provided as separate signals), as described in col. 4, ll. 55-66 of Poggio. However, col. 4, ll. 55-66 (cited by the Examiner) does not disclose how the audio and video signals are in fact reproduced (only, how they are stored and then retrieved). More specifically, Poggio does not teach or suggest that a “still picture unit” (including at least one “still picture” and associated “graphic data”) is reproduced asynchronously with audio data, as recited in claim 1. Furthermore, Poggio does not teach or suggest asynchronously reproducing a “still picture unit” as a slideshow (that is managed by a playitem) while “audio data” is independently reproduced (and, managed by a sub-playitem) with the “still picture unit,” as recited in claim 1. Thus, a fair reading of Poggio indicates that Poggio does not disclose a still picture unit being reproduced with the audio data, where reproduction of the audio data is reproduced asynchronously and without interrupting the reproduction of the still picture unit. Applicant asserts that neither Kato, nor Loui, nor Chan, nor Roth remedy these teaching and suggestion deficiencies of Poggio (nor does the Examiner rely on Kato, Loui, Chan, or Roth, for this purpose). Therefore, any combination of Kato, Loui, Chan, Roth and Poggio does not teach or suggest “the playitem and the sub-playitem configured to reproduce the audio data with the still picture unit as the slideshow, the sub-playitem configured to reproduce the audio data without interrupting the playitem reproducing the still picture unit,” as recited in claim 1.

Furthermore, Kato in view of Loui, Chan, Roth and Poggio does not teach or suggest “the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously,” as recited in claim 1. In the Office Action, the Examiner asserts that Chan teaches this limitation.¹¹ However, Chan fails to teach that the “graphic data” is in the “still picture unit” with the “still picture,” as recited in claim 1. Therefore, it cannot be said that Chan teaches “graphic data in the still picture unit” that is reproduced synchronously with the “still picture,” as recited in claim 1. For at least this reason, paragraph [0025] of Chan (cited by the Examiner) is not relevant to claim 1. Furthermore, neither Kato, Loui, Roth, nor Poggio remedy this deficiency of Chan. Therefore, Kato in view of Loui, Chan, Roth and Poggio does not teach or suggest “the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously,” as recited in claim 1.

Additionally with regard to claim 1, Kato in view of Loui, Chan, Roth and Poggio does not teach or suggest “duration information indicating whether the at least one still picture is displayed for a finite period of time or an infinite period of time,” as recited in claim 1. The Examiner asserts that Kato teaches the recited “finite period of time” and Roth teaches the “infinite period of time.”¹² As an initial matter, Kato only teaches playitems with a playing interval, where the playing interval includes in-points and out-points for a clip. However, neither Kato, nor Roth, disclose the recited “duration information” (as recited in claim 1) which is separate from a play interval. The recited “duration information” is used to indicate whether a particular “still picture” is displayed for a finite period of time, or an infinite period of time. Therefore, the user (or, the drive, or a reproducing apparatus) may easily determine the mode (infinite /

¹¹ See pg. 5 of the Office Action.

¹² See pgs. 3 and 5-6 of the Office Action.

finite period) that is to be used to display the “still picture.” That is to say, the “duration information” allows the user (or, the drive of the reproducing apparatus) to determine whether or not a specific “still picture” will be displayed for a finite period, or an infinite period. Neither Kato, nor Roth teach the “duration information,” as recited in claim 1. Additionally, neither Loui, nor Chan, nor Poggio remedy these deficiencies of Kato and Roth (nor does the Examiner rely on Loui, Chan, or Poggio for this purpose). Therefore, Applicant asserts that Kato in view of Loui, Chan, Roth and Poggio does not teach or suggest “duration information indicating whether the at least one still picture is displayed for a finite period of time or an infinite period of time,” as recited in claim 1.

With regard to independent claims 26-29, Applicant asserts that these claims contain features similar to independent claim 1, such that at least the same arguments can be made.

For at least the reasons stated above related to independent claims 1 and 26-29, Applicant asserts that these claims are patentable. Due at least to the dependence of the remaining claims on the respective independent claims, Applicant asserts that the remaining claims are also patentable. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §103 be withdrawn.

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CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

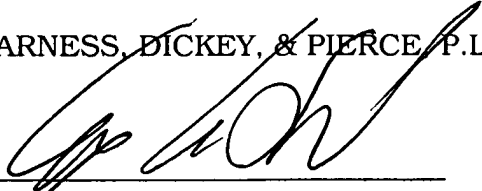
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.


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